

FILED

1 Etta Hindra
2 P.O. Box 641083
3 Los Angeles, CA 90064
4 Phone: (310) 497-7756
5 Email: ehindra@yahoo.com
6 Plaintiff in Pro Per

PLEASE BE ADVISED THIS DOCUMENT
IS BEING ELECTRONICALLY SERVED.

JUN 18 PM 4:09
CENTRAL DISTRICT OF CALIF
LOS ANGELES

LA CV 18 05429-DSF-AGR

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 Etta Hindra

12 Plaintiffs,

13 v.

14 DEUTSCHE BANK National Trust
15 Morgan Stanley Mortgage Loan
16 Trust, MSM 2005-06AR,

17 DOES 1 through 10, Inclusive,
18 Defendants,

Case No.:

Assigned to the Honorable *George H. Wu*

COMPLAINT FOR:

1. **EMERGENCY MOTION TO
STOP THE TRAILER's LIEN
SALE 6/20/2018**

2. **Securitized Loan: Mortgage
Fraud:**

Lack of Standing to Foreclose
Invalid/Void/Ineffective Assignment
Cancellation of Instruments
Conversion
Accounting

3. **Wrongful Foreclosure in Violation
Of the Automatic Stay 11 U.S.C. § 362**

[Mr. David Lally, Esq.; Mr. Bounlet Louvan]
QLS was not Qualified as A Foreclosure Trustee
Fraud on the BK Court [FRCP60(d)(3)]

4. **Wrongful Unlawful Detainer:**
Wrongful EVICTION; Defamation to EH

5. **Fraud on the Property Tax**
Unjust Enrichment

6. **Fraud Note MSM2006-06AR**
DBNTC use Fraud Note in Plaintiff's Opposition
to the Lift Automatic Stay

7. **TRO/Injunctive Relief**

8. **TILA Rescission** §1640 (a) ; §1640(e);
§1635 And damages (§1641)



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**9. Quiet Title (28USC; §1346(f); 2409a;
Lis Pendens**

10. No Access to the house

10 years in the Loan Modification (2009-2018)

*No Access to the house on
5/26/2017; 10/26/2017*

11. Declaratory Relief

12. SUMMARY JUDGMENT

JURY TRIAL DEMANDED

Hearing Date: ../../2018

Time: 8:30 a.m.

Courtroom: 9D

Location: 350 W. 1st Street, LA,CA

I. JURISDICTION

1. This court has jurisdiction under 28 U.S.C. §1332 because there is diversity of citizenship and an amount in controversy greater than \$75,000.-

II. VENUE

2. Venue is proper pursuant to 28 U.S.C. §1391 because the property at issue in this complaint is located in this district.

III. THE PARTIES

1 3. **Plaintiff's** name is Etta Hindra, Plaintiff resides at 2712 Westwood Blvd.,
2 Los Angeles, CA 90064 until 10/11/2016.

3
4 4. **Defendant 1:** Deutsche Bank National Trust Morgan Stanley Loan Trust
5 MSM 2005-06AR, as the Trustee for securitized trust Mortgage Pass-Through
6 Certificates Series 2005-06AR Trust (hereinafter "Deutsche Bank").

7
8 5. **Defendant 2:** Wells Fargo Bank N.A., a California Corporation,
9 Defendant WELLS FARGO BANK N.A., is the Master service of the Mortgage
10 secured by the property subject of this action, as or fully described herein.

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12 6. **Defendant 3:** PNC Bank/PNC Mortgage Servicer (hereinafter
13 "DefendantPNC MORTGAGE SERVICER") is the purported servicer of the
14 Loan; WilliamDemchack; President Chastin O'Connor; The address: PNC
15 Bank, NA; The Tower at PNC Plaza; 300 Fifth Avenue; Pittsburgh, PA 15222;
16 (888) 762-2265

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18 7. **Defendant 4:** QUALITY LOAN SERVICE CORPORATION (hereinafter
19 "Defendant QUALITY") is the Foreclosure Sale Company with the address:

20
21 8. **Defendant 5:** McCARTHY and HOLTHUS Law Firm. Defendant
22 McCARTHY and HOLTHUS are the Law firm Litigation against the subject
23 property.

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25 9. **Defendant 6:** Alldridge Pite LLP Law Firm., Defendant Alldridge Pite
26 LLP are the Law firm Litigation against the Nevada property.

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28 10. **Defendant 7:** MOLFE & WYMAN LLP Law Firm, Defendant Wolfe &

Wyman are the Law Firm Litigation against the subject property.

11. Defendant 8: Coldwell Banker Residential Mortgage Broker Beverly Hills North; Robert Foster, the President, Mr. Loren Judd, the Manager, Mr. Danny Harvey, the Broker, Mrs. Joyce Essex Harvey, the Agent.

12. Defendant 9: Silver Towing

FACTS:

11. Because Plaintiff is acting pro se, "pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." **Tannenbaum v. United States**, 148 F.3d 1262, 1263 (11th Cir. 1998).

12. The Plaintiff primary residence which is the subject of the complaint stated as Exhibit "A"

Lot(s) 9 of Tract No.12385. In the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in book 261 Page(s) 28 to 30 inclusive of Maps, in the office of the County Recorder of said County.

13. Plaintiff Etta Hindra brings this action against PNC Mortgage Servicer, McCarthy & Holthus and all Defendants, and DOES 1 through 10, (collectively "Defendants") to prevent the wrongful foreclosure and sale of the Plaintiff's Residence 2712 Westwood Blvd., Los Angeles, CA 90064 to:

1. Give effective Notice to Rescind and Cancel;
2. Enforce Rescission;
3. Reimburse all fees, charges, and costs paid in violation of the Truth in Lending Act;

1 4. Violation of RESPA and FDCPA;

2 5. Obtain a reasonable attorney fee when Plaintiff hired an attorney;

3 14. Plaintiff seeks declaratory and injunctive relief to further restrain
4 Defendants under Cal. Business and Professions Code §1700, et seq. referred to
5 as the Unfair Competition Law ("UCL") under California Statutes, common law
6 fraud, misrepresentation and deceit, against Defendants herein. All such
7 California State Law claims are properly asserted under this Court's pendant or
8 supplemental jurisdiction.

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11 15. The Defendants have failed to show standing to pursue foreclosure in this
12 matter, despite repeated demand from the Plaintiff.

13 16. The Defendants have violated multiple federal and state laws and a consent
14 decree in pursuing this illegal action.

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16 17. The Defendants are proper parties to be sued for claims when Plaintiff is in
17 an affirmative or defensive position asserting a rescission under TILA, Reg. Z,
18 and asserting other statutory relief under the FDCPA, the California UCL,
19 common law fraud, misrepresentation or deceit, etc., and for any claims in
20 recoupment and set-off against all Defendants.

21
22 18. Plaintiff request that the Court enjoin the Defendants from foreclosing on her
23 residence until that lawful standing of the Defendants are shown.

24
25 **Cause of Action #1**
26 **Failure to Proof Standing**

27 19. The Trustee Objection Item No.17 stated In the Bankruptcy Rule and
28 Procedure FBRP 3001 requires the Creditor EVIDENCE OF OF PERFECTION

1 OF SECURITY INTEREST. The Holder in Due Course at the time filing the
2 Claim/NOD (Notice of Default) on 2/10/2016 not after the Confirmation Hearing
3 3/24/2016. Proof of Claims Deadline 5/19/2016 to proof that the PNC Mortgage
4 Servicer and the Deutsche Bank Morgan Stanley Mortgage Loan Trust possessed
5 the lastest Note Holder in Due Course: The Defendants PNC Mortgage/Deutsche
6 Bank have not done this. The HomeOwner- Plaintiff Etta Hindra had never seen
7 the Proof until today 8/16/16.

8 Plaintiff-HomeOwner Etta Hindra demand a Fair Treatment:

- 9
10 1. The Morgan Stanley Trusts were created under NY Trust Law and had very
11 specific acceptance and transfer requirements for the mortgage notes.

12 If the note is not validly held by the party who is foreclosing, The foreclosure
13 should not happened permanently.
14

15 *Corporation Mortgage Pass-Through Certificates, Series 2006-2 vs.*
16 *Antonio Ibanez (Massachusetts Supreme Court Case#08-384283 (KCL))*
17 *Page 8:*

18 "To foreclose on a mortgage securing property in the Commonwealth, one must be
19 the holder of the mortgage. To be the holder of the mortgage, one must be the
20 original mortgagee or be the assignee under a valid assignment of the mortgage.
21 It is not sufficient to possess the mortgagor's promissory note. The Land court
22 correctly held that the Plaintiffs, U.S.Bank and Wells Fargo were not holders of
23 the Ibanez and LaRaca mortgages at the time of the foreclosure because they
24 were not assignees of valid assignments of the mortgages. Without valid
25 assignments, the Plaintiffs lacked the legal authority to foreclose the mortgages.
26 This, without more, is sufficient grounds on which to invalidate the foreclosures
27 and the Land Court was correct to do so."
28

Date: 6/8/2018


Etta Hindra

MATTHEW KAW, MD Inc.

4355 Peck Road, EL MONTE, CA 91732
(626) 575-4511 fax: (626) 575-4512

Date: 5/3/2018

To Whom It May Concern:

RE: Medical condition of Hindra, Etta [DOB: 4/28/1954]

This letter is to confirm the medical conditions of above named patient. Etta has been under my professional care since 2014. Her medical conditions include: diabetes, osteoarthritis of knees and bilateral carpal tunnel syndrome. She's taking multiple medications for above medical problems.

Because of knee and hand problems, her mobility is limited and needs to use cane for assistance and balance. If you have any further questions, please contact our office at 626-575-4511.

Sincerely,



Matthew Kaw, MD
Diplomate of Internal Medicine
CA Lic# A88602

MATTHEW KAW, MD
4355 PECK RD
EL MONTE, CA 91732
626-575-4511

INTERNATIONAL PRESIDENT'S PREMIER
CAL BRE# 00935813

O: 310.777.6375
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Joyce@EssexHarvey.com
www.EssexHarvey.com

COLDWELL BANKER
RESIDENTIAL BROKERAGE
301 N. Canon Dr., Suite E
Beverly Hills, CA 90210

Date: 06/02/2016

Regarding the property at: 2712 Westwood Blvd, LA CA 90064

To: Any and all occupants

This property has been foreclosed on and is now under new ownership and this property is now owned by PNC Bank. Our brokerage represents the beneficiary of the foreclosure sale (PNC Bank) and it is our responsibility to establish who is occupying the property.

It is imperative that you contact us so we might discuss the various options available to you. This is not an eviction notice, but the owner of the property has a right to proceed with a legal eviction process against the property and its occupants. Please call us immediately as the new owner may assist you with relocation fees. If you are a tenant, please do not continue paying rent to the former owner. The new owner has a right to collect rent monies including but not limited to back due rent, please contact us for additional info.

Thank you for your cooperation in this matter

Joyce Essex Harvey
Coldwell Banker Residential Brokerage
301 N Canon Drive Suite E
Beverly Hills, CA 90210
Cell: 310-922-7476
Office: 310-777-6375
Joyce@EssexHarvey.com
BRE: 00935813

*Evidenced:
PNC Bank agent showed the
letter dated 6/2/2016 stating
PNC Bank is the Owner/Beneficiary
of the Plaintiff's house.
This is Illegal / Fraud as Owner/Beneficiary
PNC Bank / PNC Mortgage Services is the
fiduciary duty is to service the loan.*

Joyce Essex Harvey & Danny Harvey | Coldwell Banker Residential Brokerage

~~Coldwell Banker Real Estate~~
Beverly Hills North Office
301 N. Canon Dr.
Suite E
Beverly Hills, Ca. 90210

*Mortgage Loan had been sold to the Morgan Stanley Trust
closed on 10/1/2005. Now PNC Bank / PNC Mortgage
want to become the Owner/Beneficiary?
is Illegal / Fraud to get the Plaintiff house out of the
hands of the Homeowner / Plaintiff Extra Hurdle.*

PROOF OF SERVICE BY MAIL

I, Rikianto Hindra, declare as follows:

My Mailing business address is P.O. Box 641083, Los Angeles, CA 90064, which is located in the county where the mailing described below took place.

On 6/18/2018, I served the document(s) described as:

1. EMERGENCY MOTION TO STOP THE TRAILER AUCTION LIEN SALE 6/20/2018
2. COMPLAINT

[By fax/mail/email] on all interested parties in this action and by placing a true and correct copy thereof in a sealed envelope, with first-class postage prepaid thereon, and deposited said envelope in the United States mail at or in Los Angeles, California, addressed to:

Messrs. S.B. Wolfe, K. A. Beall, J.S. Kaufman, Esq.
WOLFE & WYMAN LLP
2301 Dupont Dr., #300; Irvine, CA 92612-7531
Phone: (949) 475-9200; Fax: (949) 475-9203
Email: kabeall@wolfewyman.com

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 6/18/2018 at Los Angeles, California.

Date: 6/18/2018


Rikianto Hindra